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Examiner: David E. Odland

REMARKS

Claims 1 through 6 remain in this application. Claims 1 through 6 have been amended.

Claim Rejections under 35 U.S.C. § 101

The Office Action rejected claim 1 through 6 under 35 U.S.C. § 101, however the claims meet the requirements of Section 101. The claimed invention without amendment accomplishes a practical application and produces a useful, concrete and tangible result. *See State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1371 (Fed. Cir. 1998). However, to avoid a prolonged examination, the claims have been amended to a more common claim language term without narrowing the breadth of the claimed invention.

Claim Rejections under 35 U.S.C. § 112

The Office Action rejected claims 1 through 6 for various reasons under 35 U.S.C. § 112. The claims have been amended above to more precisely define the invention without narrowing the breadth of the claimed invention.

Claim Rejections under 35 U.S.C. § 103

The Office Action rejected claims 1 through 6 under 35 U.S.C. § 103 as being unpatentable over US Patent No. 5,434,863 to Onishi et al. (the Onishi reference). However, the Onishi reference fails to disclose or suggest the requirements of the claims.

The Onishi reference fails to disclose, *inter alia*, the requirements of claim 1 of, "Dynamic Routing and Control (DRC) driver including a plurality of Application Program Interfaces (API) for interfacing to the main processor" and "a transport interface for interfacing between said DRC driver APIs and the transport media". At column 7, lines 3 through 6, the Onishi reference states that, "To the router bus 1 is connected a router manager 1 which has a function of managing the whole system and a function of producing/distributing a routing table and acts as a main processor." The Onishi reference nowhere discloses that the router manager

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includes APIs for interfacing with a main processor or transport interface for interacting with said DRC driver APIs and the transport media.

In addition, the Onishi reference fails to disclose, *inter alia*, the requirements of claim 1 of, "a Packet Flow Processor (PFP) driver including a plurality of Application Program Interfaces (API) for interfacing to the packet flow processors" and "a transport interface for interfacing between said PFP driver APIs and the transport media". At column 8, lines 6 through 9, the Onishi reference states that, "Further, to the router bus 1 can be connected routing accelerators 3 of 1 to 8 modules each of which has a function of performing the routing at high speed." Nowhere is a PFP driver with APIs or a transport interface described by the Onishi reference.

The Office Action agreed with the above that the Onishi reference "does not disclose the RM routing manager and the RA routing accelerator further comprise APIs," as stated on page 4. However, the Office Action states that it would have been obvious to modify the Onishi reference to meet the requirements of the claims.

Contrary to the assertion in the Office Action, the Onishi reference fails to suggest the requirements of the claims. The present invention provides the advantage that it supports a number of different system architectures with minimal changes, as described at page 5, lines 16 and 17. The invention is able to translate message format and routing information between CDP 20 and a transport media 24, which in most cases is proprietary to the host systems architecture, as described at page 6, lines 21 through 23. There is no suggestion in the Onishi reference or any mentioned need to reuse the router manager 2 in different system architectures in the Onishi reference. The Office Action states that the motivation is "the use of this existing software could reduce the developmental cost of Onishi since entirely new methods of handling lower layer operations do not need to be created." However, this motivation is only taught by the present specification as quoted above. Thus, the motivation relied on by the Office Action is only found in the present specification and not in the prior art. "The court must be ever alert not to read obviousness into an invention on the basis of the applicant's own statements; that is, we must view the prior art without reading into that art appellant's teachings." *Application of Nomiya*,

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184 U.S.P.Q. 607, 612 (Cust. & Pat.App. 1975). The citation of the specification's own teachings to argue obviousness over prior art is improper. *In re Dembiczak*, 175 F.3d 994, 999, (criticizing hindsight syndrome wherein that which only the inventor taught is used against the teacher).

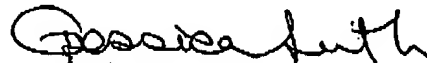
For the above reasons, the Onishi reference fails to teach or suggest the requirements of the claimed invention.

Conclusion

This amendment places the application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Jessica Smith at (972) 477-9109.

Respectfully submitted,

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